

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Gordon Franklin, Jr.,

Case No. 22-cv-2287 (WMW/DJF)

Petitioner,

v.

FMC Rochester,

Respondent.

**ORDER ADOPTING
REPORT AND
RECOMMENDATION**

Before the Court is the October 19, 2022 Report and Recommendation (R&R) of United States Magistrate Judge Dulcie Foster. (Dkt. 6.) After the R&R was filed, Petitioner Gordon Franklin, Jr., filed a memorandum on October 31, 2022. (Dkt. 7.) Franklin's October 31, 2022 submission uses words like "magistrate and "recommendation," but the submission, even construed liberally, neither addresses nor responds or objects to the substance of the R&R. Rather, the submission appears to raise or reiterate Franklin's initial claims and submit a new list of requests for relief. Franklin's submission, therefore, does not contain "specific . . . objections" to the R&R as required by Local Rule 72.2(b)(1).

In the absence of timely objections to the R&R, this Court reviews an R&R for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having reviewed the R&R, the Court finds no clear error.

Based on the R&R and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The October 19, 2022 Report and Recommendation, (Dkt. 6), is **ADOPTED**.
2. Petitioner Gordon Franklin, Jr.'s, petition for writ of habeas corpus, (Dkt. 1), is **DENIED**.
3. Petitioner Gordon Franklin, Jr.'s, application to proceed *in forma pauperis*, (Dkt. 5), is **DENIED AS MOOT**.
4. This matter is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 10, 2023

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge